

Attorney Docket Number  
1457-CA

EXPRESS MAIL LABEL NO.  
EL 859 423 244 US

PATENT APPLICATION

## DECLARATION AND POWER OF ATTORNEY

### Original Application

As below named inventor, I declare that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this Declaration, that the information given herein is true, that I believe that I am the original, first and joint inventor of the invention entitled:

### DATA CONVERTERS WITH TERNARY PULSE WIDTH MODULATION OUTPUT STAGES AND METHODS AND SYSTEMS USING THE SAME

which is described and claimed in:

- the attached specification or
- the specification in application Serial No. 10/ September 5, 2003 filed on

that I acknowledge my duty to disclose information in accordance with 37 C.F.R. Section 1.56 and defined on the attached sheet, which is material to the examination of this application, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application and that as to applications for patent or inventor's certificate filed by me or my legal representatives or assigns in any country foreign to the United States of America, the earliest filed foreign application(s) filed within twelve months prior to the filing date of this application and all foreign applications filed more than twelve months prior to the filing date of this application, if any, are identified below.

#### CHECK APPROPRIATE BOX:

XX no earlier-filed foreign applications.

Required information as to foreign applications filed prior to the filing date

Attorney Docket Number  
1457-CA

PATENT APPLICATION

of this application is on page    attached hereto and made a part hereof.

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

NAME	REGISTRATION NO.
Steven Lin	35,250
Scott Thomas	39,855
James J. Murphy	34,503
Michael J. DeHaemer	39,164
Newberger, Barry	41,527

Send Correspondence To:

Direct Telephone Calls To

WINSTEAD SECHREST & MINICK P.C.  
P. O. Box 50784  
1201 Main Street  
Dallas, Texas 75250-0784

James J. Murphy, Esq.  
(214) 745-5374  
Fax: (214) 745-5390

Winstead Sechrest & Minick, P.C.'s Deposit Account number is 23-2426.

(201) FULL NAME OF INVENTOR	LAST NAME <b>TROTTER</b>	FIRST NAME <b>Brian</b>	MIDDLE NAME <b>David</b>	
RESIDENCE & CITIZENSHIP	CITY <b>Austin</b>	STATE OR FOREIGN COUNTRY <b>Texas</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>	
POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>5708 Apache Creek Cove</b>	CITY <b>Austin</b>	STATE OR COUNTRY <b>Texas, USA</b>	ZIP CODE <b>78735</b>
(202) FULL NAME OF INVENTOR	LAST NAME <b>DUWER</b>	FIRST NAME <b>Bruce</b>	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY <b>Austin</b>	STATE OR FOREIGN COUNTRY <b>Texas</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>	
POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>2511 Broken Oak Drive</b>	CITY <b>Austin</b>	STATE OR COUNTRY <b>Texas, USA</b>	ZIP CODE <b>78745</b>

(203) FULL NAME OF INVENTOR	LAST NAME <b>MELANSON</b>	FIRST NAME John	MIDDLE NAME Laurence	
RESIDENCE & CITIZENSHIP	CITY <b>Austin</b>	STATE OR FOREIGN COUNTRY <b>Texas</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>	
POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>901 West 9<sup>th</sup>, Apt. 201</b>	CITY <b>Austin</b>	STATE OR COUNTRY <b>Texas, USA</b>	ZIP CODE <b>78703</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name (201)  <b>TROTTER, Brian David</b>	Signature	Date
Name (202)  <b>DUEWER, Bruce</b>	Signature	Date
Name (203)  <b>MELANSON, John Laurence</b>	Signature	Date

Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of patentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any considerations given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

DALLAS\_1\3857712\2  
2836-P280US 09/04/2003